

241 Besides weeding, there is much to be done to protect the crop,
 [788] Hail storms do a lot of damage at times, and to protect the crops a
 "medicine" is employed called "migalo magalo pe." This consists
 of herbs tied in a bunch to the top of a pole about 6—8 feet high,
 which is stuck in the middle of the field. (Herdsman too, use this
 [231] to keep themselves dry while out with the cattle, and I have seen a
 herdsman accompanying the cows with these herbs tied to the top
 [674] of his spear.) Except in time of famine, stealing from the crop is
 unknown, which contrasts favourably with complaints made from time
 to time that Natives steal maize and coffee from European farms.
 In their own community such an offence is practically unknown. But
 241 four-legged depredators are a serious problem in certain localities.
 417 Fields are enclosed in fences of the branches of thorn trees, laid on
 136 the ground, and these do give a certain protection against wild pigs,
 monkeys and baboons. But they are of no use against hippo and
 elephant. To protect crops, mainly sweet potato, against the hippo
 it is the practice to erect a small temporary hut, which is occupied at
 night by a guard armed with a couple of spears. It must be a weary
 business, for the potatoes are cultivated close to the lake edge where
 mosquitoes swarm, so between the hippo and the mosquitoes the guard
 must have a trying time. In old days before the Game laws came in,
 [224] organized hunts were held, which were very successful.

241 The most difficult animal is, of course, the elephant. These have
 136 disappeared from Central Kavirondo but still infest districts like
 Mirunda and Sakwa in South Kavirondo. They can do heavy damage
 both to millet and sweet potato. The beating of pots and pans is tried
 to scare away the elephant, while occasionally the more daring venture
 forth from the hut to throw stones or otherwise drive away the beasts.
 This is an operation attended with peril in the dark of the night, and
 occasionally lives are lost in this way. Lives too are lost through
 guards mistaking their fellow guards for wild animals. Jok, one of
 the most famous of ancestors of the Luo, is said to have lost his life
 in this way. The story is that before going off to drink beer, he
 told his sons to go on guard in the field that night. They refused to
 his face, but when he had gone thought better of it, and went on
 guard. He returned from the beer drink, and went to see what was
 happening in the field, believing that there was no guard. His sons
 mistook his footsteps for that of a pig, and speared him with fatal
 results. Similar things still occur from time to time.

241 Birds, especially weaver birds, are a pest as the grain crop
 136 ripens. Scarecrows are employed, both mechanical and human. Of
 857 the former an inverted cooking pot on the top of a short pole is a
 common device. Boys are employed in large numbers when the birds
 are most troublesome, and their harsh cries are quite a part of the

681 pay the fine, and from the amount the judge takes a portion for himself and passes the remainder to the successful litigant.

728 **Making peace between sections of the tribe.** Should there
627 be a quarrel between two sections of the tribe and a desire be felt to end the strife, the chief of one section goes to the chief of the other with a few of his principal men, and they spend the afternoon and night together discussing the difficulty and finally coming to terms. The following day a goat is killed, some of the contents of the stomach are smeared over the chests of those present, and a little of the meat is pounded in a mortar and eaten as a sacred meal to ratify the terms of peace. As they eat the meal, they promise to live at peace, the form of oath taken being "By the dead dog."

● 674 **Theft.** Cattle lifting is the most common form of serious
789 theft. Men seek to steal cattle from members of the same tribe living at a distance from their own district, because the animals stolen can thus be more easily secreted. A man who intends to rob a kraal first visits the place with his son in order to work magic and to make his preparations. He takes with him a number of sticks pointed and prepared for the magic, and indicates certain spots to his son, who drives a stick into the ground at each place. These are magical sticks which cast a spell upon owners of cattle. The magic is followed up at night by the man's going to the kraal, opening the gate and driving away the cattle while the people are sleeping. Should the animals make any noise or prove stubborn and refuse to leave the kraal, it is a sign that the owners have received some intimation of the intended theft and have taken precautions to make more potent magic to frustrate the robbery. Under
[685] such circumstances the cattle-lifter beats a hasty retreat before he is discovered and captured, as he knows that he will receive no quarter, but will certainly be put to death.

554 Chiefs possessing large herds of cattle take the precaution to keep a supply of powerful medicine over the gateway leading into the kraal, and also place it in various parts of the kraal so that, when a thief enters the kraal, he loses his strength, is unable to walk and so is captured and put to death. A successful cattle-lifter soon becomes a noted man

Besides dowry payments the Luo had other means of obtaining cattle before the advent of the Europeans. Two of these ways, which no longer exist, were the capturing of enemies' cattle during inter-tribal wars and robbery during the night. Because there were only few cattle in those days the number of cattle paid for dowries was very limited, not even half of what it is today. 721 674 583 178

Inheritance and exchange are now the natural means by which the Luo obtain cattle. As mentioned above in discussing dowry the first eight to twelve cattle paid for a dowry, though nominally known as the property of the father of the girl, are in the real sense the inheritance of her full brothers. The father can do anything he likes with them during his life-time, provided he consults the girl's eldest brother. It frequently happens that there is disagreement between the sons and the father, who may try to dispose of these animals without consulting the sons. The other animals belong to certain individuals, e.g., father, uncles and mother. Those of the father if he is a polygamist are inherited by one of his sons who has no sisters. If the father has two or more sisterless sons born of different mothers they inherit equally the special cattle he gets from the dowry of those daughters who have full brothers. These sons also inherit the cattle, goats or sheep that he gets by other means, e.g., those obtained by exchanging millet or maize and those paid to him for the dowries of his nieces. Cattle paid to the mother-in-law by her son-in-law are inherited by her eldest or last son. Usually a father gives more to a son whose mother has died if he is a good son. He calls this son his orphan. If a father loves one of his sons more than the others he may take some of his cattle to one or other of his friends, and tell him that they can only be taken after his death by the loved son. 422 428 595

A man inherits his brother's animals if the brother dies and leaves no son. If a man, having a brother, dies before having children by his wife, and the widow marries someone else of her husband's clan, children born to her by her new husband go along to the brother of her former husband, and so, if they are girls, the brother inherits most of the cattle paid for their dowries. If, however, these girls have a brother, he inherits the cattle. 428 [587]

Some people start to obtain cattle by exchanging their millet or maize for sheep, goats and poultry in the first instance, and when the number of these small stock has increased, they, in turn, are exchanged for cattle. Sometimes a man gives his friend an assurance that if he gives him some goats he will in return give a heifer which can be kept until she calves. After weaning, the calf remains the property of the friend while the cow is returned. 437

together again, and singly or in twos and threes run out and go through a fight with some invisible foes, again presumably, the evil spirits. They are very serious all the while, and the rest watch in silence their champions as they charge, retreat and cower down behind the huge shields. Then comes more feasting, with the customary offering to the sun, and finally they disperse.

764

The wailing is kept up in the case of a chief for six days, and performed twice a day at sunrise and sunset, but after the day of the dance each village mourns by itself; for a common person three days is the limit.

The corpse is buried in a recumbent position in the deceased's hut, but the hut continues to be occupied, generally by the deceased man's heir; it is not at once destroyed or disused, as some authorities, among them Sir C. Eliot, maintain. Last of all, when the mourning is over, an offering of beer, grain, and chicken flesh, is put on the grave.

The Jaluo religion is extremely slight. They worship the sun, and to a less extent the moon. They regard the sun as a deity seldom beneficent, more often malignant, and usually apathetic; as one of them said to the writer, "It does not matter how much you pray, you fall sick and die just the same." The offerings made at all important occasions in their daily life they make more with the idea of appeasing him than of obtaining positive benefits.

776

781

782

Witchcraft, however, and demonology occupy their minds far more. The wizard is greatly dreaded, and it is easy for an unscrupulous Kavirondo to obtain his neighbour's property by accusing him of having killed one of his relations by witchcraft, knowing that he will have his neighbours' support and sympathy. The wizard is sought both for good and evil purposes; his aid is invoked alike to detect criminals and to do harm to an adversary. In a recent case brought before the writer a man was accused of having murdered one of his wives by witchcraft. According to his accusers, the supposed murderer missed his razor and accused two of his wives of the theft. They both denied all knowledge of the missing article, and he gave them till the evening of that day to find it. When their term of grace came to an end, and the razor was not produced, he was alleged to have struck one of his wives, who was on the point of bearing a child. He then produced two charms which he affixed to their respective huts, threatening that the thief would be detected by the charm and would die. Next day the woman who was said to have been struck died after producing a still-born child. The curious result was that the man was tried for murder, the accusers believing that the crime had been committed by witchcraft, and the magistrate holding that, if the man caused his wife's death at all, it was by the blow which he was alleged to have given her. The blow turned out to be a myth, and the man was discharged, much to his accusers' disgust.

754

754

674

When a Kavirondo wishes to kill his enemy secretly, the usual method is to bury a dead rat or chicken at his victim's door. If, when the latter comes out the next morning, he treads on the spot where the animal is buried, it is believed that he will die that day.

754

African Homicide and Suicide

614 avoid the immediate consequences and as a result war broke
 682 out between the people of Seme and the people of his tribe,
 628 Ugenya. After many years of intermittent and bitter warfare
 611 the elders of both tribes met to settle the dispute. Their solu-
 768 tion was as follows: because the elder who lost his son did not
 583 have an unmarried son to take a woman of the killer's clan,
 and because the killer's minimal lineage did not have a suitable
 daughter to give in marriage, it was decided that the killer
 should marry the daughter of the deceased's father, and
 through her raise seed to the dead man. The killer, contrary
 to custom but as part of the settlement, was forced to live at
 [597] the home of his bride and was subsequently adopted into the
 clan of the deceased. It is interesting, however, that the epo-
 nym of the clan which today traces descent from this couple
 is the bride, Kia, and not the killer or the deceased. It is, to my
 knowledge, the only clan in Luo which has a woman as an
 eponym, but then she was apparently regarded as a male by
 her contemporaries.

674 This background was given to provide the reader with some
 775 idea of the Joluo attitude to homicide. Deeply ingrained is the
 notion that life goes on after death on earth—that ancestors in
 the spirit world are able to influence the lives, conduct, fortunes,
 for good or evil, of their descendants. Ghosts are more likely
 to be benevolent if they can count numerous descendants on
 earth and extremely malevolent if life on earth was cut short
 by violence or unnatural death by war, accident, or suicide.
 The ghosts of the latter are believed to be more difficult to deal
 with than those of ordinary spirits of old men or women. The
 more descendants a ghost has, the higher its status in the after-
 world, and therefore the greater its pleasure and benevolence.

768 The Joluo had developed several devices to deal with cases
 829 of homicide. A wife could be married in the name of a mur-
 611 dered youth to raise seed to his name, to placate his spirit
 [609] and to continue his line for posterity. A young adolescent
 woman who died was deflowered by a stranger (*jokawiny*)

African Homicide and Suicide

761 which is the infidelity of the spouse of the deceased; in the case
 [763] of a child, by the adultery of its mother. Ritual cleansing of
 the members of the minor lineage is therefore necessary, as for
 kwer.

159 I mentioned above a classical case of homicide which il-
 674 lustrates what the Joluo regard as a calculated risk of the con-
 628 sequences. It deserves fuller analysis.

Case No. 1.

This case involved a group of nine related men. Only one of them was convicted, and he eventually was acquitted on appeal through lack of corroborative evidence.

A quarrel began between members of two major clans of the same tribe over the appointment of an assistant chief. The clan from which the assistant chief was appointed—we shall call it Jokoth—is alleged to have taken advantage of the clan—which we shall call Jokech—which was unsuccessful. The clans feuded in every way, over land, cattle grazing and so on, until the elders of Jokech decided, as a warning in the ancestral way, that they should burn the hut of a leading elder of Jokoth. This was done. The assistant chief arrested a member of clan Jokech, a person with whom he is alleged to have had a personal grievance, and this man was convicted of the burning and sentenced to a term of imprisonment. His sons fought hard and long to have him released on grounds of ill health and, when finally successful, took him home only to have him die shortly after. On his death bed, he made his sons swear to avenge his death.

Diviners and medicine men were consulted, and many methods were tried unsuccessfully for several years to bring clan Jokoth to its knees and to bring about the death of the assistant chief who had by now retired.

All was not well with the affairs of Jokech clan. Each new catastrophe was taken as evidence of the malevolence of the ghost of the deceased because his death remained unavenged.

Homicide and Suicide among the Joluo of Kenya

Finally, in desperation, his sons and a group of his *jokakwaro* consulted the head diviner, *jabilo*, to choose an auspicious day for the killing of the ex-chief and to collect the animals and materials necessary for cleansing after the deed had been accomplished. 159
674
628

The ex-chief was found and stabbed to death at the place named by the *jabilo* and his body was hidden in a nearby river. It was found several days later, and a witness was found who alleged that he came upon the group on the day of the murder in the act of disposing of the body.

Those who had had actual physical contact with the blood of the murdered man were cleansed as soon as they arrived home by the leading *jabilo* of the clan. He used a grey ash from burning the sacred *buombwe* vine. The minimal lineage, *jokakwaro*, assembled at the village of the senior son, who was the head of the lineage segment, and who had struck the fatal blow. There the following cleansing ritual was performed: at about two o'clock the following afternoon, a black sheep and red chicken were slaughtered by the head of the lineage. The sheep and chicken were first prepared by the *jabilo*, who placed his medicines in the mouth of the sheep and of the chicken before the sacrifice. The *jabilo* cut strips of skin from the animal and wrapped them around the spear and knives used in the murder. The spear had to be destroyed at sundown because the victim was related to the spear clan of the tribe. The meat was divided on the lineage principle and consumed ceremonially. The meat of the chicken was eaten only by those who actually struck blows. 159
783
[824]

The purpose of these sacrifices was stated by the *jabilo* to "keep the spirit of the murdered man from doing evil to the clan." It also cleansed the bodies of those who drew blood so that they could now eat with their families and once more participate in the activities of the village and clan.

After the meat was eaten, those present held a meeting to decide which old woman should act as a wife to the ghost of 159
768